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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

YOR919990273US1 (8728-298)

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on April 10, 2006

Signature

Typed or printed name Frank Chau

Application Number

09/545,078

Filed

April 7, 2000

First Named Inventor

Stephane H. Maes

Art Unit

2142

Examiner

B. Prieto

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 34,136

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

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April 10, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: S. Maes

Examiner: B. Prieto

Serial No: 09/545,078

Group: Art Unit 2142

Filed: April 7, 2000

Docket: Y0999-273 (8728-298)

**For: A CONVERSATIONAL PORTAL FOR PROVIDING CONVERSATIONAL
BROWSING AND MULTIMEDIA BROADCAST ON DEMAND**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

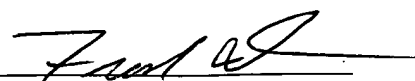
Statement in Support of Pre-Appeal Brief Request for Review

This paper is being filed in support of Applicants' Pre-Appeal Brief Request for Review. A Notice of Appeal has been filed herewith in response to the Final Office Action mailed on December 9, 2005. Applicants respectfully contend that the claim rejections set forth in the Final Office Action are erroneous as a matter of fact and/or law.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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Dated: 4/10/06


Frank V. DeRosa

Claim Rejections – 35 U.S.C. § 112

Claims 1, 23 and 34 stand rejected under 35 U.S.C. § 112, second paragraph, for the reasons set forth on page 2 of the Final Office Action. Applicant respectfully disagrees with the rejections.

The Examiner's confusion as to the claim term "an audio indexing system for segmenting and indexing audio and multimedia data obtained from an information source" appears to be unreasonable in view of the clear claim language and support in applicant's specification. The claim essentially recites that the indexing system can (i) segment and index audio data (e.g., streaming audio) and (ii) segment and index and multimedia data (e.g., streaming multimedia). It should be clear that audio data contains only audio data and that multimedia data can contain various types of mixed data including audio, video, etc. Applicant respectfully directs the Examiner to review the disclosure in Applicants' specification, e.g., page 41, line 14 through page 43, line 21, which provides clear support for the allegedly ambiguous claim language.

Moreover, in view of the above, the claimed language of "a multimedia database for storing the indexed audio and multimedia data" should be clear and not require clarification. Indeed, in other terms, this claim language unambiguously means that indexed audio data and indexed multimedia data are stored in a multimedia database.

Furthermore, with regard to the claim language "wherein the conversational portal maintains, for a registered subscriber, a program comprising user-selected multimedia segments in the multimedia database to provide a multimedia broadcast on demand service to the registered subscriber, " Applicant believes that this claim language is perfectly clear.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 3-15, 17-19, 21-23, 25-34 and 36-37 stand rejected as being unpatentable over U.S. Patent No. 6,501,832 to Saylor et al. in view of U.S. Patent No. 6,859,776 to Cohen and further in view of U.S. Patent No. 5,614,940 to Cobbley, et al. Applicant contends that claims 1, 23 and 34 are patentable and non-obvious over the combination of Saylor and Cohen and Cobbley. Applicant contends that the obviousness rejections are based on the Examiner's misplaced reliance and misinterpretation of Cohen and Saylor as applied to the inventions of claims 1, 23 and 34. For instance, neither Cohen nor Saylor remotely discloses or suggests a conversational portal having a *conversational browser that can serve or present a retrieved page to an access device in at least one format that is compatible with one or more modalities supported by the access device, wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities.* Both Cohen and Saylor are clearly directed to systems that include voice browsers to support voice/audio dialog interaction.

For instance, the Examiner relies on Col 8, lines 14-63 of Saylor as disclosing a conversational browser that can serve or present a retrieved page to an access device in a modality supported by the access device. This characterization of Saylor is incorrect. Saylor discloses a voice-based system using a voice browser platform to process Vpages which are XML-based voice content files (Col. 8, lines 14-17). Although Saylor discloses that text data can be processed using text-to-speech processing, there is nothing in Saylor that teaches that the voice-browser system can present a content page in any format other than voice-based content. In fact, the Examiner actually acknowledges (on page 3 of the Final Action) that Saylor does not disclose that the voice-browser can render an information page in two modalities.

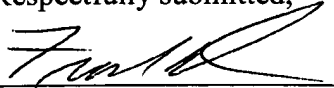
The Examiner relies on Cohen as curing this deficiency citing Col. 10, lines 39-55 as teaching a content page with two modalities. Cohen generally discloses that a page can have hyperlinks that are displayed graphically and as voice links (Col. 44-46). However, this argument misses the point. The Examiner has not explained or even addressed how this meets the claim element of a page having *a multi-modal format that can be rendered in two or more synchronized modalities*.

In fact, Cohen specifically teaches that the voice-browser platform (10) of Cohen in FIG. 1B has a user interface based on speech markup language content, etc. (Col. 5, lines 60-66). In this regard, the Examiner's argument and characterization of Cohen as disclosing the claimed "conversational browser" is wholly inconsistent with the claim language that the conversational browser provide a user interface that adapts an interaction dialog between the conversational portal system and a client according to one more modalities supported by the client. Clearly, the voice browser of Cohen is only capable of one interaction modality – audio. Moreover, Saylor discloses the use of a voice-browser (35) which acts as an interface between a caller and a voice server, etc. (see, Col. 29, lines 10~Col 30, line 14). There is nothing in Saylor that suggests the voice browser is the claimed *conversational browser, which can provide a user interface that adapts an interaction dialog between the conversational portal system and a client according to one more modalities supported by the client*.

Thus, Examiner's characterization of Saylor and/or Cohen as disclosing the claimed conversational browsing system and multi-modal browsing functionality is seemingly based on a strained and erroneous interpretation of the reference teachings in an effort to fit to the claim language. For at least the above reasons, claims 1, 23 and 34 are patentable and non-obvious over

Saylor and Cohen and Cobbley. Furthermore, all pending claims that depend from claims 1, 23 and 34 are believed to be patentable over the cited combination at least by virtue of their dependence from respective base claims 1, 23 and 34. Accordingly, withdrawal of the claim rejections is requested.

Respectfully submitted,



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